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1915

Iowa Laws, Statutes etc.

Fish & Game Laws,

1915-1916.



Class SK 395

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- 1915

1915-16

Iowa Fish and Game Laws
Federal Migratory Bird
Regulations

AND

The Lacey Bird Law
(FEDERAL LAW)

In Force July 4, 1915



State Fish and Game Warden

ELMER C. HINSHAW

Spirit Lake

Iowa

15-2-1457

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Federal Migratory Bird Regulations
AND
The Lacey Bird Law
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State Fish and Game Warden

Elmer C. Hinshaw

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Iowa

ASSISTANT FISH AND GAME WARDENS

Northeast District—R. T. St. John, Riceville

Southeast District—Geo. C. Cooper, 1007 W. Eighth St., Des Moines

Southwest District—Chas. S. Hobson, Clarinda

Northwest District—J. E. Waterhouse, Charter Oak

Supt. Missouri River District—W. E. Albert, Lansing

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EXPLANATION OF IOWA FISH AND GAME LAWS

Many persons complain that they have difficulty in determining the real meaning of the law relating to fish and game, and for their benefit the following general statement is made: For convenience I have adopted a special section of this book for each provision of law, but the regular order has been preserved, and at the close of each section will be found a citation to the appropriate Code Section and Session laws.

It is the duty of wardens, sheriffs, constables and other police officers to seize fish and game taken illegally, and such seizure may be made without warrant. Section 1 of this book.

Seizure
without
warrant

Any court having jurisdiction, may issue a search warrant, under which search may be made for fish and game illegally taken. Section 1.

Search
warrant

Fish and game illegally caught shall be sold for payment of costs, excess, if any, to go to the school fund. Section 1.

Disposition of
fish and game
seized

Any nets, traps, guns, or other devices used for taking fish and game illegally may be seized without warrant and destroyed without warrant. Section 1.

Seizure of
nets, etc.

1. Salmon and trout may be taken with hook and line from April 15th to October 1st only.

Season for
fishing

2. Bass, pike, crappies, pickerel, catfish and other game fish may be taken with hook and line from May 15th to December 1st. Section 2.

Not more than forty game fish may be taken by any person in one day, of which

Number of
fish which may
be taken
legally

Explanation of Iowa

not more than twenty shall be bass, pike or pickerel. Section 2.

Shipment of fish

Fish may be shipped, but affidavit giving name of shipper and consignee and residence of both, kind of fish, and that same are not being shipped for sale, must be made and filed with the common carrier. Section 2.

Trot lines

Between May 15th and December 1st trot lines extending not more than half way across a stream, and not obstructing the free passage of fish, may be used. Section 2.

Fish houses

No fish houses or other protection against the weather shall be used in fishing through the ice. Section 2.

Possession of seine, etc., unlawful

The possession of nets, traps, seines, etc., for the taking of fish or game is illegal. Section 2.

Taking fish near fishways and dams

It is unlawful to take fish within 300 feet of a fishway or dam by any means other than rod, line, hook and bait.

Size of fish

It is illegal to kill, destroy, have in possession, or under control for any purpose whatever, any bass, catfish or trout less than ten inches in length, wall-eyed pike or pickerel less than twelve inches, crappies less than eight inches. Section 2.

Placing explosives in public waters

It is unlawful to place explosives or drugs in the public waters with intent to destroy fish. Section 3.

Minnows for bait

Minnows may be taken for bait by the use of a three-eighths inch mesh seine not exceeding five yards in length, but by minnows is not meant the young of bass, pike, crappies, trout, salmon, or the fry of any game fish. Nets smaller than one-quarter inch mesh will be seized and destroyed. Section 4.

No person shall use more than two lines with one hook upon each, except that a trot line may be used as hereinbefore explained, and except also that in trolling a spoonhook consisting of three hooks fastened together may be so used. Any hook and bait or combination of hooks intending to catch but one fish at a time may be used. Section 5.

Number of
lines

It is illegal to knowingly have in possession for sale, transportation, or any other purpose, any fish unlawfully taken. Section 6.

Buying or
selling fish
unlawfully
taken

The violation of any of the provisions hereinbefore explained, is punishable by a fine of not less than five dollars nor more than fifty dollars and cost of prosecution for each fish, or imprisonment in the county jail for not less than one day nor more than thirty days for each fish. Section 7.

Penalty

Any person may raise fish upon or within his own premises if same are not stocked through any inlet or outlet, and fish so raised are the private property of the owner, with full right to use same as he may desire.

Private
fishing

Persons taking fish so raised without the owner's consent, are liable to the same punishment as above specified. Section 8.

The warden is given authority to remove fish from any of the public waters of the state, either for stocking other waters or for exchange with other wardens. Section 9.

Fish and game
warden may
take fish for
propagation
purposes

Under certain conditions the warden may authorize the taking of buffalo, carp, quillbacks, red horse, suckers and gar by the use of a seine.

Warden may
issue
permits to
take certain
fish

Under conditions too lengthy to here specify, licenses may be issued by the fish and game warden for seining fish in the bound-

Fishing in
boundary
waters

Explanation of Iowa

any rivers of the state. Any person interested in so taking fish in said boundary rivers should examine these provisions of the law carefully. See sections 10, 11, 12, 13, 14 and 15 of this book.

Dams must
have
fishways

It is unlawful to erect a dam across any river, stream, or other waters of the state without providing same with fishway in accordance with plans and specifications furnished by fish and game warden.

Any person violating the provisions of this section may be punished by a fine of not more than one hundred dollars or imprisonment in the county jail for not less than fifteen nor more than thirty days. Section 16.

Condemning
property for
fish dams

Cities and towns bounded in whole or in part by any lake, may construct and maintain at the inlet or outlet thereof, a dam to obstruct the passage of fish. A petition signed by a majority of the resident tax payers is required in order to purchase or condemn a site for said dam. The Board of Supervisors of any county in which such a lake is situated is given the same authority. Section 17.

Penalty for
destroying
such dam

Any person wilfully destroying or injuring a dam so erected, may be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned not less than thirty days nor more than one hundred days. Section 18.

Season for
taking game
birds and
animals

1. Native grouse and prairie chickens may be taken from September 1st to December 1st. Section 19.

2. Woodcock may be taken from July 10th to January 1st. Section 19.

3. Ruffed grouse, pheasants, wild turkey

and quail may be taken from November 1st to December 15th. Section 19.

4. Wild ducks, geese, brant, rail, plover, sandpipers and marsh or beach birds may be taken from September 1st to April 15th. Section 19.

5. Gray fox, or timber squirrels may be taken from September 1st to January 1st. Section 19.

6. Beaver, mink, otter and muskrat may be taken from December 1st to April 1st. Section 22.

It is unlawful to shoot or kill quail on any public highway. Section 19.

Killing quail on public highways

None of the birds or animals herein described, may be killed from any artificial ambush, or from any sailboat, gasoline or electric launch or steamboat, or any other water conveyance, except as propelled by oar or paddle. Section 19.

Killing game birds or animals from ambush

No device for concealment on the open waters, or artificial light, battery, or deception may be used in taking game, except that decoys are permitted in hunting wild ducks and geese. Section 19.

Devices for concealment, artificial light, etc.

No person shall at any time hunt and shoot from any boat, canoe, conveyance, or device whatever, on any waters of the state, between sunset and sunrise. Section 19.

Shooting between sunset and sunrise prohibited

A violation of the foregoing provision is punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars, with imprisonment for thirty days unless fine and costs are paid. Section 19.

Penalty

It is unlawful for any person except the owner to kill, capture or injure any deer, elk, or goat, except when distrained. Section 20.

Deer, elk and goats protected

Penalty for violating the foregoing pro-

Penalty

Explanation of Iowa

vision shall be a fine of not more than one hundred dollars or imprisonment not to exceed thirty days, or both. Section 20.

The warden is given authority to kill or capture any deer now running at large in this State, and he may distribute same.

The expense of capture and distribution to be paid by the person to whom distributed. Section 61.

Number
which may be
killed

No person shall kill more than eight prairie chickens in one day or have more than sixteen in possession, or kill more than fifteen quail in one day or have more than twenty-five in possession. All other game or animals you may kill twenty-five each day and have twenty-five in possession, except ducks, of which fifty in possession is legal. Section 21.

Snaring and
trapping
game and
destroying
nets

The law prohibits catching any of the game herein referred to with traps, snares, or nets, and it is made unlawful to destroy the eggs or nests of any of the birds herein referred to. Section 21.

Sale of
game birds
prohibited

It is made unlawful for any person to either buy or sell, whether dead or alive, any of the birds, animals or game herein referred to, and having any such in possession is prohibited except during the first five days of the closed season. This does not apply to birds raised in captivity and where owner has paid license fee of \$2.00 per year. Sections 21 and 23.

Shipping
game birds or
animals within
or out of
the State

It is illegal to ship any of the birds or animals herein referred to out of the state, and in shipping from one point to another in the state, certain conditions are prescribed which must be carefully complied with, and any person shipping should care-

fully examine the law relating thereto. Sections 24, 25, and 26.

Only such guns as are commonly shot from the shoulder may be used in killing game, and the use of medicated or poisoned food is prohibited, with severe punishment. Section 27.

What guns
may be
lawfully
used

It is necessary to obtain permission from the owner, occupant or agent of land before hunting thereon, and without such permission a fine of not more than ten dollars and costs may be imposed, but such proceedings can be brought only upon complaint of the owner, occupant or agent of the cultivated or enclosed lands. Section 29.

Hunting
upon
cultivated or
enclosed
lands

The following are defined as game birds: Swan, geese, brant, river and sea ducks, rails, coots, mud hens, gallinules, shore birds, plover, surf birds, snipe, woodcock, sandpipers, tattlers, curlews, wild turkeys, grouse, prairie chickens, pheasants, part-ridges and quails. All other birds, whether resident or migratory, are placed in the non-game bird class, and hence cannot be killed at any season of the year (Sec. 31), except that the house sparrow, great horned owl, sharp shinned hawk, cooper's hawk, black-birds and crows are not protected by law at any season. Section 37.

What are
game birds

It is made illegal to destroy the eggs or nests of any wild birds except sparrows, crows, blackbirds, hawks and owls. Sections 32 and 34.

Destroying
nests and eggs
of wild birds
prohibited

Individuals and common carriers are prohibited from shipment of non-game birds, except as the game warden may give authority therefor for scientific purposes. Section 33.

Shipment of
non-game
birds
prohibited

Explanation of Iowa

**Hunters'
license law**

Hunting is made illegal without first procuring a license therefor, and no license may be granted to any person under eighteen years of age without the written consent of the parents or guardians. Sections 44-45.

**Application
blanks for
licenses**

Application blanks are furnished by the state fish and game warden to the county auditors of the state, and may be there obtained.

Citizen's license costs one dollar per year, non-resident or alien license costs ten dollars a year. Any person not a citizen of the United States must secure an alien license. Sections 46-47.

**Non-resident
license
holders'
privileges**

A non-resident license holder may take with him from the state not to exceed twenty-five game birds or animals, nor shall he take with him from the state more than sixteen prairie chickens, and all birds and animals must be so carried as to be readily inspected, and he must show his license upon request. Section 48.

**When licenses
expire**

All licenses expire on the first day of July next succeeding their issuance, Section 51.

**Rights upon
one's own
premises**

Owners and tenants may hunt upon their own premises without obtaining a license therefor, but must obtain a license if they hunt beyond their own premises. Section 51.

**Revocation of
licenses**

A hunter's license cannot be transferred, and if in the possession of any person other than the person to whom issued, may be revoked, and if any person hunt upon another's enclosed or cultivated fields without permission, his license may be revoked. Section 52.

**Duty to
exhibit
licenses**

It is made the duty of any person in possession of a gun, in the fields or forests or

upon the waters of the state, to exhibit his license when demanded, by any person
Section 53.

It is made unlawful to use or keep live birds for target purposes. Section 56.

Using birds
for target

It is made unlawful to take Hungarian partridges or Mongolian, Ring Neck, English or Chinese pheasants prior to the first day of October, 1917. Section 57.

Pheasants
protected

THE UNITED STATES LAW AND REGULATIONS RELATING TO MIGRATORY BIRDS

Inasmuch as this book is published for use covering a two-year period we do not deem it advisable to print the full regulations at this time, as without doubt the rulings will be changed within a short time. Therefore, we give the important rulings covering the State of Iowa at this time.

Open season, all migratory game birds, September 1st to December 16th. None of the following birds may be killed before September 1, 1918:

Band tailed pigeon, little brown, sandhill and whooping cranes, swans, curlew, wood ducks and all shore birds except the black breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs.

Shooting on the Mississippi and Missouri rivers is prohibited.

Shooting migratory birds after sunset or before sunrise prohibited.

FISH AND GAME LAWS

Section 1. Warden—Compensation—Duties—Seizure without Warrant—Sale. There is hereby created the office of State fish and game warden. The warden shall be appointed by the Governor, and holds his office for three years from the first day of April of the year of his appointment. He shall receive a salary of two thousand two hundred (\$2,200) dollars annually, together with his necessary traveling, contingent and office expenses, to be paid out of moneys collected under the provisions of chapter one hundred fifty-four (154), acts of the thirty-third general assembly. He shall have charge and management of the State fish hatcheries, which shall be used in stocking the waters of the State with fish native to the country and to the extent of the means provided by the State. He shall impartially and equitably distribute all fry raised by or furnished to the State, or for it through other sources, in the streams and lakes of the State; shall faithfully and impartially enforce obedience of the provisions of this chapter, and shall make a biennial report to the Governor of his doings, together with such information upon the subject of the culture of fish and the protection of game in the country as he may think proper, accompanied with an itemized statement monthly to the executive council under oath of all moneys expended and for what purpose, and of the number and varieties of fish distributed, and in what waters. It shall be the duty of the fish and game warden, sheriffs, constables, and police officers of this State to seize and take possession of any fish, birds or animals which have been caught, taken or killed at a time, in a manner or for a purpose, or had in possession or

under control, or have been shipped contrary to the provisions of this chapter. Such seizure may be made without a warrant. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing in the concealment of any fish, birds or animals, caught, taken, killed, had in possession, under control, or shipped contrary to any of the provisions of this chapter, shall issue a search warrant and cause a search to be made in any place therefor. Any fish, birds or animals so found shall be sold for the purpose of paying the costs in the case, and the amount, if any, in excess of the costs shall be turned into the school fund of the county in which the seizure is made. Any net, seine, trap, contrivance, material and substance whatever, while in use or had and maintained for the purpose of catching, taking, killing, trapping, or deceiving any fish, birds, or animals contrary to any of the provisions of this chapter is hereby declared to be, and is, a public nuisance, and it shall be the duty of the fish and game warden, sheriffs, constables and police officers of the State, without warrant or process, to take or seize any and all of the same and abate and sell or destroy any and all of the same, without warrant or process, and no liability shall be incurred to the owner or any other person for such seizure and destruction, and said warden or his regularly constituted deputies or other peace officers as hereinbefore named shall be released from all liability to any person or persons whomsoever for any act done or committed or property seized or destroyed under or by virtue of this section.

Disposition
of fish, birds
or animals
seized

Nets or other
devices public
nuisance

No liability
of warden or
deputy

Code Sec. 2539. (29 G. A., ch. 103, Sec. 1; 23 G. A., ch. 34, Sec. 12; 17 G. A., ch. 80, Secs. 1, 4; 35 G. A., 203, Sec. 2; 33 G. A., ch. 152; 34 G. A., ch. 116.) [36 G. A., Sec. 2539.]

Open and
closed season
for
fishing

Sec. 2. **Fishing—What permitted.** Between the first day of October and April 15th, no one shall take from the waters of the State any salmon or trout, nor between the first day of December and the fifteenth day of May any bass, pike, crappies, pickerel (pickerel), catfish or other game fish, nor shall any one person take any of said fish from the waters of the State in any one day more than forty (40) of any or all of said kinds of fish, of which total number not more than twenty shall be bass, pike or pickerel. It shall be unlawful for any person, firm or corporation to offer for transportation or to transport to any place within or without this State for purposes of sale, any game fish taken from the inland waters of the State. Any person, firm or corporation desiring the shipment or transportation of any game fish, shall deliver to the common carrier, express or transportation company a statement under oath in duplicate, setting forth the name of the shipper, the person to whom the package is shipped, the residence of both, the kind and number of fish contained in such package, and that the fish contained in such package are not being shipped for the purpose of sale or market, and one copy thereof shall be retained by the common carrier, express or transportation company receiving such shipment for the period of twelve months thereafter, and the other copy thereof shall be attached in a secure manner to such package. Any

Number
caught

Unlawful to
ship game
fish for sale

Shipping of
game fish
Affidavit
made

agent of any common carrier, express or transportation company receiving such shipment is hereby authorized to administer to such shipper the oath contemplated in the last preceding paragraph. Any shipment made in violation of the provisions of this act may be seized, confiscated and sold by any game warden in the state at private or public sale; the proceeds thereof to be turned into the fish and game protection fund, or such shipment may be by such warden destroyed. Nor shall anyone fish for or by any means catch any fish in any stream, which has been stocked with breeding trout, one or two years old, within one year from the date of the stocking thereof; if notice of such fact is by the authority of the warden posted where a public road crosses such stream; nor shall anyone at any time take from the waters of the State any fish, except minnows for bait, unless by hook and line; but any person may, between the fifteenth day of May and the first day of December use not more than one trot line in streams only, and extending not more than half way across, nor shall anyone place, erect, or cause to be placed or erected, any trot line, seine, net, trap, dam or other device or contrivance in the water in such manner as to hinder or obstruct the free passage of fish, up, down, or through the same for the purpose of catching them, except as provided in the next section; nor have, erect, or use, while fishing on or through the ice, any house, shed or other protection against the weather, or have or use any stove or other means for creating artificial heat. The possession of a spear,

Unlawful
shipments
seized

Stocked
stream

Hook and line
only

Trot line

obstructing
the passage
of fish

Fishing
through
ice

Spear or
other
devices
unlawful

Taking fish
near
fishway

trap, net, or seine or the taking or killing or attempting to take or kill any fish by any means other than by rod, line, hook and bait within three hundred (300) feet of a fishway or dam shall be unlawful, but the provisions of this section shall not prevent the taking of carp, sucker, red horse or buffalo by use of a spear from the lakes, sloughs, bayous and waters on the bottom lands and islands of the Mississippi river. And it shall be lawful for the State fish and game warden, or any of his deputies or assistants to seize without warrant and sell or destroy any such trap, net or seine wherever found. No person shall, at any time, kill, destroy, have in possession or under control, for any purpose whatever, any bass, catfish, or trout less than ten inches in length, or any wall-eyed pike, or pickerel less than twelve inches in length, or any crappie, less than eight inches in length, except for the purpose of returning the same to the water from which they were taken, as soon as they are taken therefrom, with as little injury to the fish as possible. [36 G. A. (S. F. 447, Sec. 1,)] (36 G. A., Sec. 2540.) [36 G. A. (S. F. 40, Sec. 1.)] (35 G. A., ch. 205, Sec. 1.) (35 G. A., ch. 204, Sec. 1.) (33 G. A., ch. 153, Sec. 1.) (30 G. A., ch. 93.) (30 G. A., ch. 92, Secs. 1, 2.) (29 G. A., ch. 103, Secs. 2, 4.) (27 G. A., ch. 64, Secs. 2, 4.) (26 G. A., ch. 80, Sec. 1.) (25 G. A., ch. 65.) (23 G. A., ch. 34, Secs. 2, 3, 6, 7.) (17 G. A., ch. 80, Secs. 5, 6.) (16 G. A., ch. 70, Sec. 6.)

Small fish
Placing
explosives
in the public
waters of the
State

Sec. 3. **Explosives—Drugs—Penalty.** It shall be unlawful for anyone to place in the waters of the State any lime, ashes or drug of any kind or other substance, explode dynamite, guncotton, giant powder or other

compound or preparation, or use electricity in any way with the intent to kill or so to affect any fish that it may be taken and anyone guilty of any of said acts shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than fifty (\$50.00) dollars or more than one hundred (\$100.00) dollars or imprisoned in the county jail not less than fifteen nor more than thirty days. (29 G. A., ch. 103, Sec. 5; 33 G. A., ch. 153, Sec. 2.) **Minnows for Bait.** (36 G. A., Sec. 2540A.)

Sec. 4. **Minnows for bait.** In taking minnows for bait, a three-eighths inch mesh seine not exceeding five yards in length may be used, and if any of the fish enumerated in the preceding section shall be taken, they shall at once be restored unharmed to the water whence taken, and the word "minnows" as used in this chapter does not include young bass, pike, crappies, trout, salmon, or fry of any game fish, native or otherwise. Section 2541. (23 G. A., ch. 34, Sec. 2.)

Minnows for
bait

Sec. 5. **Two lines.** No person shall use more than two lines, with one hook upon each line, in still fishing or otherwise, except that a trot line as above provided, or in trolling a spoonhook composed of three hooks fastened together may be used. Section 2542. (26 G. A., ch. 80, Sec. 2.)

The only
lawful way
to fish

Sec. 6. **Buying or selling.** No person shall knowingly buy, sell, offer for sale, have in possession for sale or transportation, or for any other use or purpose, any fish unlawfully taken under the provisions of this chapter. Section 2543. (23 G. A., ch. 34, Sec. 4.)

Fish
unlawfully
taken

Penalty

Sec. 7. **Penalty.** Any person, firm or corporation who shall violate any of the provisions of section twenty-five hundred forty (2540) of the supplement to the code, 1907, as herein amended, or twenty-five hundred forty-one (2541), twenty-five hundred forty-two (2542), or twenty-five hundred forty-three (2543) of the code, shall be guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than five nor more than fifty dollars and cost of prosecution for each offense, or be imprisoned in the county jail for not less than one day nor more than thirty days, and the taking of each fish in violation of law shall be construed to be a separate offense. Section 2544, 36 G. A.

**Owners of
private
waters**

Sec. 8. **Private fishing.** Persons who raise or propagate fish upon their own premises, or who own premises on which there are waters having no natural inlet or outlet through which such waters may become stocked or replenished with fish, are the owners of the fish therein and may take them as they see fit, or permit the same to be done. Any person taking said fish without the consent of such owner shall be guilty of a misdemeanor, and be prosecuted and punished as provided in the preceding section, and such owner may recover three times the value thereof from the person so taking them. Section 2545. (23 G. A., ch. 34, Sec. 10; 16 G. A., ch. 70, Sec. 4.)

**Warden may
take from the
public waters
of the State
fish for
propagation
or other
purposes**

Sec. 9. **Taking by warden—written permits.** The warden may take from any of the public waters of the State, at any time and in any manner, any fish for the purpose of propagating or restocking other waters,

or exchanging with fish commissioners or wardens of other States or of the United States; provided, further, that the warden may, upon proper application in writing, made upon blanks furnished by said warden, issue to whomsoever he may see fit, written permits, upon blank forms to be furnished by said warden, suspending for a specified period specified portions of this chapter relating to fishing, and authorizing the person to whom said permit is issued, to take from certain designated lakes of the State, having an area of not less than two (2) square miles, buffalo, carp, quill-backs, red-horse, suckers and gar, as in said permit named, in any quantities and for all purposes, provided, however, that no such permit holder shall be authorized to exercise the rights granted in said permit except in the presence and under the supervision of the warden or one or more of his regularly constituted deputies, without expense to the State, and provided that seining shall not be permitted between the first day of December and the fifteenth day of June. Section 2546. (29 G. A., ch. 103, Sec. 6; 23 G. A., ch. 34, Sec. 2; 30 G. A., ch. 94, Sec. 1.)

Warden may
issue permits
to take from
certain lakes
certain fish

Sec. 10. Rivers excepted—dams. Except as otherwise expressly stated, nothing herein contained shall be held to apply to fishing in the Mississippi or Missouri rivers, nor to so much of the Des Moines river as forms the boundary line between this State and Missouri, nor to forbid the erection of dams across the waters of the State for manufacturing or other lawful purposes, subject to the provisions of the following section. Section 2547. A 1.

Fishing with
hook and line
does not
require
license

Iowa Fish and Game Laws

The only
lawful way to
fish in the
Des Moines
and Big Sioux
Rivers

Sec. 11. It shall be unlawful for any person to take from the waters of that part of the Des Moines river forming a part of the boundary between this State and Missouri, or from the waters of the Big Sioux river within the jurisdiction of this State, any fish with net, seine, trap, contrivance, material or substance whatsoever except by rod, line, hook and bait; but nothing herein shall be construed as prohibiting the use of trot lines or set lines in the taking of fish from the waters of the Big Sioux river or the waters of that part of the Des Moines river which forms a part of the boundary between the State of Iowa and the State of Missouri, between the same dates and subject to the same restrictions relative to the use of trot line in the interior streams of the State as the same appear in section twenty-five hundred forty, supplement to the code, 1913. It shall be unlawful for any person to take from the Mississippi or Missouri rivers within the jurisdiction of this State any fish with nets or seines without first procuring from the State fish and game warden an annual license for the use of such nets and seines. Before any such license shall be issued to a non-resident of the State of Iowa, the applicant shall execute and deliver to the fish and game warden a bond running to the State of Iowa in the penal sum of \$200.00 with two sureties who shall each justify in the sum of \$200.00 in property in this State over and above all debts and liabilities, and property exempt by law from sale on execution. In lieu of such bond such licensee may make a cash deposit of \$200.00 or provide bond of any surety

License
required to
use nets and
seines in the
Mississippi or
Missouri
rivers

Non-resident
must give
bond

company authorized to do business in this State. Such bond shall be conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this act and the rules and regulations which are or may be hereafter prescribed by law, such application to be null and void, otherwise to remain in full force and effect. The fee charged for such license shall be as follows: For each 500 lineal feet of seine, or fraction thereof, ten (\$10.00) dollars; for each pound net having more than 100 feet lead on each side, four (\$4.00) dollars; for each pound net having less than 100 feet lead on each side, one (\$1.00) dollar; for each bait net, dip net, hoop net, and fyke net, fifty (50) cents; for each three hundred (300) lineal feet of trammel net used for floating fishing, five dollars (\$5.00).

Nets and seines that will be licensed

All licenses shall expire on the first day of March following their issuance. The State fish and game warden shall furnish to each licensee at an expense not to exceed ten (10) cents each, a metal tag, numbered and stamped so as to show year of issuance and for what issued, for each net, and each five hundred (500) feet, or fraction thereof, of seine; and it shall be unlawful to use any seine or net in the waters specified in this section without having a tag thus procured attached thereto; provided, that no seine or net with less than two and one-half (2½) inch mesh, stretch measure, shall be licensed or used for fishing under this act. Section 2547. A. 36 G. A.

License expires first day of March following issuance

Metal tag must be fastened on each seine and net

Sec. 12. The funds received for such license and sale of tags shall be expended by the State fish and game warden for the

License funds
to be used for
maintenance of
fish and game
department
and for
preservation
of food
fishes

maintenance of his department and meeting the expenses thereof, and so far as same are available, he shall expend same in the preservation of food fishes in the waters described in section two (2) hereof by removing young fish from dead or cutoff waters to the live waters adjacent thereto. And where practicable, cleaning the channel from said dead and cutoff waters so that young fish can escape therefrom.

He shall render an itemized account of all such funds in each biennial report. Section 2547. A 3.

Fish and size
of fish that
can be taken
under license

Sec. 13. It shall be unlawful for any person to take from the waters described in section two (2) of this act, except by hook and line and spear, any of the following fish in lengths less than as follows, to-wt: Carp, fifteen inches; buffalo, fifteen inches; black bass, eleven inches; striped or white bass, eight inches; pike, fifteen inches; pickerel, eighteen inches; catfish, thirteen inches; crappies, eight inches; and the following fish weighing less than as follows, to-wit: sand sturgeon, one pound; rock sturgeon, three pounds; and no pike, bass or crappies between and including March 31st and June 1st of each year. Section 2547. A 4.

Food fishes
must not be
injured or
destroyed

Sec. 14. It shall be unlawful for any person to take from the waters described in section two (2) of this act, by seine or net, any food fishes and cause or permit same to perish or be destroyed, or to remove such fish within such water so as to cause same to be destroyed or to perish, and any person taking any food fishes from such waters who does not make use of same shall im-

mediately return same to such waters without injury. Section 2547. A 5.

Sec. 15. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and be punished by imprisonment in the county jail for a period of not exceeding thirty (30) days or by a fine not exceeding one hundred (\$100.00) dollars. Section 2547. A 6. (23 G. A., ch. 34, Sec. 11; 18 G. A., ch. 92; 16 G. A., ch. 70, Sec. 10.) (29 G. A., ch. 104, Sec. 1.) (33 G. A., ch. 155.) (34 G. A., ch. 117.) Penalty

Sec. 16. **Fishways.** No dam or obstruction across any river, stream or other waters of this State shall be erected or maintained which is not provided with a fishway constructed in accordance with plans and specifications prepared and furnished by the fish and game warden for such dam. Any dam or obstruction which is not so constructed is a public nuisance, and may be abated accordingly. A violation of this section is a misdemeanor, and in addition to the remedy in this section provided, the offender may be punished by a fine of not less than one hundred dollars or imprisonment in the county jail not less than fifteen days nor more than thirty days. Section 2548, 36 G. A. All dams must have fishways

Sec. 17. **Fish dams—Condemning property for.** Any city or town, bounded in whole or in part by any meandered lake or chain of lakes, or the board of supervisors of the county in which such waters are situated, may construct and maintain across the outlet or inlet thereof a dam to obstruct the passage of fish, the same to be of earth, masonry or other material to the natural and ordinary level of the lake, above and Rights of citizens to condemn property for fish dams in lakes situated adjoining any city or town

Iowa Fish and Game Laws

across the entire width to be an open network of bars or wire with the necessary supports, so arranged as to prevent as far as may be, the escape of fish. For this purpose, upon a petition of a majority of the resident taxpayers of any city or town, so much land as is situated within the corporate limits as may be necessary may be purchased or condemned in the same manner provided for the appropriation of private property for streets and other municipal uses, and paid for out of the general fund. Section 2549. (24 G. A., ch. 46; 22 G. A., ch. 108; 21 G. A., ch. 63, Secs. 1, 2.)

Penalty for
destroying any
dam erected
by any city or
town

Sec. 18. Penalty for injuring or destroying. Whosoever shall wilfully injure or destroy such dam so erected or maintained shall be guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than one hundred days, and pay the costs of prosecution. Section 2550. (21 G. A., ch. 63, Sec. 3.)

Open and
closed season
for game
birds and
animals

Sec. 19. Game protected. No person shall trap, shoot, or kill any pinnated grouse or prairie chicken between the first day of December and the first day of September next following; any woodcock, between the first day of January and the tenth day of July; any ruffed grouse or pheasant, wild turkey or quail, between the fifteenth day of December and the first day of November; any wild duck, goose or brant, rail, plover, sand piper and marsh or beach bird, between the fifteenth day of April and the first day of September; or any gray or fox squirrel or timber squirrel between the first day of

January and the first day of September. Shooting or killing quail on the public highway shall be in violation of the law. No person shall kill or attempt to kill any of the birds mentioned in this section from any artificial ambush of any kind or with the aid or use of any sneakboat or sink box, or from any sail boat, gasoline or electric launch or steamboat, or any other water conveyance, except as propelled by oar or paddle, or other device used for concealment in the open water, nor use any artificial light, battery or other deception, contrivance or device whatever with the intent to attract or deceive any of the birds mentioned in this chapter, except that decoys may be used in hunting wild geese and ducks, but no person shall at any time hunt or shoot from any boat, canoe, contrivance or device whatever on any of the waters of this State between sunset and sunrise. Any person violating any of the provisions of this section shall be held guilty of a misdemeanor and punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907, and in addition thereto for use of any ambush, sink box, sneakboat or other water conveyance, prohibited by law, on the waters of this State, a fine of not less than twenty-five dollars, nor more than one hundred dollars, and shall stand committed to the county jail for thirty days unless such fine and costs are paid. Section 2551. (20 G. A., ch. 67; 18 G. A., ch. 193; 17 G. A., ch. 156, Sec. 2; 30 G. A., ch. 92, Sec. 3; 33 G. A., ch. 153, Sec. 4); 27 G. A., ch. 66, Sec. 1; 29 G. A., ch. 103, Sec. 7; 36 G. A., Sec. 2551.

Sec. 20. It shall be unlawful for any per-

**Killing quail
on public
highway
unlawful**

**Killing game
birds or
animals from
unlawful
devices**

**Shooting
between
sunset and
sunrise
unlawful upon
public
waters of the
State
Penalty**

Deer, elk, and
goat protected

son other than the owner, or person authorized by the owner, to kill, maim, trap, or in any way injure or capture any deer, elk, or goat, except when restrained as provided by law. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and be punished by imprisonment in the county jail for a period not exceeding thirty (30) days or by a fine not exceeding one hundred (\$100) dollars, or by both such fine and imprisonment. Section 2551A & B. (27 G. A., ch. 65; 34 G. A., ch. 118.)

Penalty

Unlawful to
kill for
traffic

Sec. 21. **Killing for traffic.** No person shall at any time or at any place within this State, trap, shoot or kill for traffic any of the birds, animals or game named in this chapter, nor shall any person shoot or kill more than eight prairie chickens, fifteen quails or twenty-five of the other birds or animals mentioned in this chapter in any one day, of any kind of said named animals, birds or game, nor shall any one person, firm or corporation have more than sixteen prairie chickens or twenty-five of either kind of said named birds or game named in this chapter in his or their possession at any time unless lawfully received for transportation, provided, however, the limit of ducks in possession is hereby made fifty. Nor shall any person capture or take, or attempt to catch or take, with any trap, snare or net any of the birds or animals named in the preceding sections; or in any manner wilfully destroy the eggs or nest of any of the birds named in this chapter. Any person, firm or corporation violating any of the provisions of this section shall be held to be guilty of a misdemeanor and punished as provided for

Limit, 25
game birds or
animals in any
one day

Unlawful to
have in
possession
more than 25
of said named
birds or
animals
except ducks

Unlawful to
destroy eggs
or nests

Penalty

in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907. Section 2552. (33 G. A., ch. 153, Sec. 5.) 36 G. A., Sec. 2552.

Sec. 22. **Trapping.** It shall be unlawful for any person to kill, trap or ensnare any beaver, mink, otter or muskrat between the first day of April and the first day of December, except where such killing, trapping or snaring may be for the protection of private or public property. Section 2553. (17 G. A., ch. 156, Sec. 4.) 36 G. A., Sec. 2553.

Trapping

Sec. 23. **Prohibiting the sale of game birds.** It shall be unlawful for any person, firm or corporation to buy or sell, dead or alive, any of the birds, game or animals named in this chapter, and it shall be unlawful to have the same in possession during the period when the killing of such birds, game or animals is prohibited, except during the first five days of such prohibited period; and the possession by any person, firm or corporation of any of such birds, game or animals during such prohibited period, except during the first five days thereof shall be presumptive evidence of the violation of this chapter relating to game and he or they shall be held to be guilty of a misdemeanor and shall be punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907. Section 2554. (33 G. A., ch. 153, Sec. 6.) 36 G. A., Sec. 3554.

Unlawful to sell, dead or alive, game or animals

Possession unlawful five days after closed season

Sec. 24. **Shipping game birds or animals.** No person, company or corporation shall at any time ship, take or carry out of this State any of the birds or animals named in this chapter. No person, firm or corporation

Shipping game birds or animals within or out of State

Iowa Fish and Game Laws

shall at any time ship to any person, firm or corporation within this State any of the birds or animals named in this chapter, except in strict compliance with the following provisions. It shall be lawful for any person to ship to any person within this State any game birds named, not to exceed one dozen in any one day, during the period when the killing of such birds is not prohibited; but before such shipment is made he shall first make an affidavit before some person authorized to administer oaths, that said birds have not been unlawfully killed, bought, sold, or had in possession, are not being shipped for sale or profit, giving the name and postoffice address of the person to whom shipped, and the number of birds to be so shipped. A copy of such affidavit, endorsed "a true copy of the original" by the person administering the oath, shall be furnished by him to the affiant, who shall deliver the same to the railroad agent or common carrier receiving such birds for transportation, and the same shall operate as a release to such carrier or agent from any liability in the shipment or carrying of such birds. The original affidavit shall be retained by the officer taking the same, and may be used as evidence in any prosecution for violation of the sections of this chapter relating to game. Any person who shall ship more than one dozen of the birds named in this chapter in any one day, or any person shipping any of the birds named in this chapter without first complying with the provisions of this section, or any person, firm or corporation violating any of the provisions of this section at any time, shall be

Shipment
unlawful by
affidavit

Penalty

held to be guilty of a misdemeanor and shall be punished as provided for in section twenty-five hundred fifty-six (2556) of the supplement to the code, 1907. Provided, however, that it shall be lawful to have in possession game lawfully taken outside this state and lawfully brought into this state, but the burden shall rest upon the person in possession to establish the fact that such game so shipped into the state was lawfully killed and lawfully shipped into this state. Section 2555. (17 G. A., ch. 156, Sec. 6; 33 G. A., ch. 153, Sec. 7.) 36 G. A., Sec. 2555.

Sec. 25. **Penalty.** If any person shall use any device, kill, trap, ensnare, buy, sell, ship, or have in his possession, or ship, take or carry out of the State, or ship within the State, contrary to the provisions of this chapter, any of the birds or animals named or referred to herein, or shall wilfully destroy any eggs or nests of the birds named or referred to in the preceding sections, he shall be guilty of a misdemeanor and be punished by a fine of ten dollars for each bird, beaver, mink, otter, muskrat, or other animals named or referred to in this chapter, and ten dollars for each nest and the eggs therein, so killed, trapped, ensnared, bought, sold, shipped, had in possession, destroyed, or shipped, taken or carried out of the State or shipped within this State contrary to law, and shall stand committed to the county jail for thirty days unless such fine and costs of prosecution are sooner paid. Section 2556. (17 G. A., ch. 156, Sec. 7; 29 G. A., ch. 103, Sec. 8; 33 G. A., ch. 153, Sec. 8.) 36 G. A., Sec. 2556.

Penalty

Sec. 26. **Receiving for transportation.** If

**Receiving for
transportation**

any railway or express company, or other common carrier, or any of their agents or servants, receive any of the fish, birds or animals mentioned or referred to in this chapter, for transportation or other purposes, during the period hereinbefore limited and prohibited, or at any other time except in the manner provided in this chapter, he or it shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment. Section 2557.

**What guns are
lawful**

Sec. 27. **Using swivel-gun or poison.** If any person shoot or kill any wild duck, goose or brant with any swivel-gun, or any kind of gun except such as is commonly shot from the shoulder, or shall use medicated or poisoned food to capture or kill any of the birds named in this chapter, he shall be fined twenty-five dollars for each offense, and shall stand committed to the county jail for thirty days, unless such fine and costs of prosecution are sooner paid. Section 2558. (17 G. A., ch. 156, Sec. 9.)

**Prosecution,
how made**

Sec. 28. **Prosecution.** In all prosecutions under this chapter, any number of violations may be included in the information, but each one shall be set out in a separate count. Prosecutions for violations of any provisions of this chapter may be brought either in the county in which the offense was committed, or in any other county where the person, company or corporation complained of has had or has in his or their possession any fish, birds or animals named herein and bought, sold, caught, taken, killed, trapped or ensnared in violation hereof. When re-

requested by the fish and game warden, the attorney-general shall give his opinion, in writing, upon all questions of law pertaining to the office of such warden. Nothing in this chapter shall be construed as prohibiting any person from instituting legal proceedings for the enforcement of any provisions hereof. Section 2559. (27 G. A., ch. 64, Sec. 3; 17 G. A., ch. 156, Sec. 11; 33 G. A., ch. 153, Sec. 10.) 36 G. A., Sec. 2559.

Attorney-general shall give opinions

Sec. 29. Hunting upon cultivated or enclosed land. No person shall hunt with dog or gun upon the cultivated or enclosed lands of another without first obtaining permission from the owner, occupant, or agent thereof. All islands in navigable streams bordering on the State shall be deemed enclosed lands without fences where the owners or lessees thereof post in plain view notices warning others not to trespass thereon. Any person violating the provisions of this section shall be punished by a fine of not more than ten dollars and costs of prosecution, and shall stand committed until such fine and costs are paid, for each and every offense, but no prosecution shall be commenced under this section except upon the information of the owner, occupant or agent of such cultivated or enclosed lands. Section 2560. (25 G. A., ch. 64, and 31 G. A., ch. 160.)

Hunting upon cultivated or enclosed land trespass

Who may prosecute

Sec. 30. Protection of birds. That all wild birds, both resident and migratory in this State, shall be, and are hereby declared to be the property of the State. Section 2563 J.

Protection of non-game birds

Sec. 31. That no person shall, within the State of Iowa, kill or catch, or have in his

Sale of wild
bird
plumage, etc.,
prohibited

Game birds
defined

Destroying of
eggs and nests
of wild birds

Shipment
prohibited

or her possession, living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale, transport or ship within or without the State, any such wild bird after it has been killed or caught, except as permitted by this act. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale, irrespective of whether said bird was captured or killed within or without the State. For the purpose of this act the following only shall be considered game birds: The Anatidae, commonly known as swans, geese, brant and river and sea ducks; the Rallidae, commonly known as rails, coots, mud hens and gallinules; the Limicolae, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sand pipers, tattlers and curlews; the Gallinae, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quails. All other species of wild birds, either resident or migratory, shall be considered non-game birds. Section 2563 K.

Sec. 32. That no person shall, within the State of Iowa, take or needlessly destroy or attempt to take or destroy the nest or the eggs of any wild birds or have such nest in his or her possession, except as permitted by this act. Section 2563 L.

Sec. 33. That no person or persons, or any corporation acting as a common carrier, its officers, agents or servants, shall ship, carry, take or transport, either within or beyond the confines of the State, any resident or migratory wild non-game bird, except as permitted by this act. Section 2563 M.

Sec. 34. That Sections 2, 3, 4 and 10 of

this act shall not apply to any person holding a certificate giving the right to take birds, their nests or eggs for scientific purposes only, as provided in section 6 of this act. Section 2563 N.

Sec. 35. That certificates may be granted by the fish and game warden of the State to any properly accredited persons of the age of fifteen years or upward, permitting the holder thereof to collect birds, their nests or eggs for scientific purposes only. The applicant for the same must present to said officer written testimonials from two well-known ornithologists who must be residents of Iowa, certifying to the good character and fitness of said applicant to be entrusted with such privilege; and must pay said officer one dollar to defray the necessary expenses attending the granting of such certificate. On proof that the holder of such certificate has killed any bird, or taken the nests or eggs of any bird for other than strictly scientific purposes, his certificate shall become void, and he shall be liable to a fine of one hundred dollars, or imprisonment of thirty days, or both, at the discretion of the court. Section 2563 O.

Permits
issued for
scientific
purposes
only

Fees

Sec. 36. That the certificates authorized by section 6 of this act shall expire on the thirty-first day of December of the year issued, and shall not be transferable. Section 2563 P.

Sec. 37. That the English, or European house sparrow, great horned owl, sharp shinned hawk, Cooper's hawk and black-birds and crows are not included among the birds protected by this act. Section 2563 Q.

Birds not
protected

Sec. 38. That nothing in this act shall Domestic pets

Parrots and
canaries

prevent a citizen of Iowa from taking or keeping any wild non-game bird in a cage as a domestic pet, provided that such bird shall not be sold, or exchanged, or offered for sale or exchange, or transported out of the State, and provided, further, that this act shall not be construed to forbid the selling or shipping of parrots, canaries, or any other cage birds, which are imported from other countries, or not native to any part of the United States. Section 2563 R.

Penalty

Sec. 39. That any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and shall be liable to a fine of five dollars for each offense, and an additional fine or five dollars for each bird, living or dead, or part of bird, or nest, or set of eggs, or part thereof, possessed in violation of this act, or to imprisonment for thirty days, or both, at the discretion of the court. Section 2563 S.

Sec. 40. All acts or parts of acts heretofore passed inconsistent with or contrary to the provisions of this act are hereby repealed. Section 2563 T. (31 G. A., ch. 108.)

May appoint
deputies

Sec. 41. **Deputy fish and game wardens.** The fish and game warden may appoint three assistant fish and game wardens, who shall receive a salary of twelve hundred (\$1,200.00) dollars per year, and such number of deputies as he may deem necessary, who shall receive a compensation of two dollars and fifty cents (\$2.50) per diem and actual expenses for the time and money actually employed and expended by them in the enforcement of the provisions of this act.

Per diem and
expenses

Such deputy wardens shall act under the advice and direction of the fish and game

warden, and perform such duties in relation to their offices as may be required of them and submit under oath, itemized statements of their per diem and expenses as aforesaid; and shall have full power and authority to serve and execute all warrants and process of law issued by any court, in enforcing the provisions of this act or any other law of this State relating to the propagation, preservation and protection of fish, game and birds, in the same manner as any constable or sheriff may serve and execute the same and receive the same fee therefor, and for the purpose of enforcing the provisions of this act they may call to their aid any sheriff, deputy sheriff, constable or police officer or any other person, and it shall be the duty of all sheriffs, deputy sheriffs, constables and police officers and other persons when called upon to enforce and aid in enforcing the provisions of this act. All deputy wardens shall have power to arrest without warrant any person or persons found in the act of violating any law enacted for the purpose of propagation and protection of fish, game and birds. All deputy wardens shall give bonds conditioned for the faithful performance of their duties, in such amounts as may be fixed by the State executive council. Section 2562. (33 G. A., ch. 153, Sec. 9; 35 G. A., ch. 203.) 36 G. A., Sec. 2562.

Deputies have power to serve and execute warrants

Can call on sheriff and other officers

Shall give bonds

Sec. 42. Fish commissioner. The office of fish commissioner is hereby abolished and the present fish commissioner shall be fish and game warden. Section 2563.

Sec. 44. No person shall hunt, pursue, kill or take any wild animal, bird or game in this State, with a gun or trap fur-bearing ani-

Resident and non-resident hunting license required

Iowa Fish and Game Laws

mals or game without first procuring a license as herein provided. (Ibid Sec. 3.)
36 G. A., Sec. 2563-a1.

Age limit

Sec. 45. No license shall be granted any person under eighteen years of age unless the written consent of parents or guardian is attached to the application (Ibid Sec. 3.)

Warden shall
furnish
applications
and licenses to
County
Auditors

Sec. 46. The State fish and game warden shall furnish county auditors with application blanks for a license and license blanks. These blanks shall provide for the insertion of the name, age, sex, and place of residence of the applicant and of the licensee. The license shall authorize its holder to hunt in accordance with the provisions of this act in any county of the State, but not on enclosed or cultivated lands without permission of the owner, or the tenant or upon any public highway; and shall bear a facsimile signature of the State fish and game warden and the seal and signature of the county auditor in which it is issued. (Ibid Sec. 4.)

License
obtained
from county
auditor

Sec. 47. An applicant for a license shall fill out an authorized application blank and subscribe and swear to it before the county auditor, or a notary or justice of the peace before the license is issued; the applicant, if a resident of the State of Iowa, and not a resident alien, shall pay the county auditor the sum of one dollar (\$1.00) as a license fee, and if a non-resident of the State of Iowa, or a resident alien, shall pay him the sum of ten dollars (\$10.00) as a license fee. These fees the county auditor shall pay at the end of each month to the State treasurer, who shall place them to the credit of a fund known as

the fish and game protection fund. (Ibid Sec. 5.) 36 G. A., Sec. 2563-a4.

Sec. 48. A non-resident holding a valid license may take from the State not to exceed twenty-five (25) game birds or animals, provided they are so carried as to be readily inspected and his license is shown on request. (Ibid Sec. 6.)

Non-resident's
privilege

Sec. 49. The State fish and game protection fund shall be used for the payment of the expenditures made necessary under the provisions of section 2539 of the Code, for the traveling, contingent and office expenses of the warden; for deputy wardens' salaries and expenses; for the protection and propagation of fish and game; for gathering and distributing fish in the public waters of the State; for the care and preservation of the lakes of the State; for the expenditures made necessary under the operation or enforcement of this statute or any other laws enacted affecting the fish and game service; and shall be paid out only on verified vouchers approved by the executive council. (Ibid Sec. 7.)

How funds
shall be used

Sec. 50. The county auditor shall keep a record of the licenses he issues which shall show the date of issue, the name and address of the person to whom issued, and the date of revocation, if revoked. (Ibid Sec. 8.)

County auditor
to keep
record

Sec. 51. The license shall be signed by the licensee in ink, and shall entitle the person to whom issued to hunt, pursue and kill wild animals, birds or game within the State at any time when it shall be lawful to hunt, pursue and kill such wild animals, birds or game, but it shall not entitle the person to whom issued, to hunt, pursue or kill wild

**Must have
license in
possession
while hunting**

**Owners' and
tenants'
privileges**

Penalty

animals, birds or game in this State without being prepared at the time of so doing to exhibit it for inspection and permitting it, on demand, to be examined by any person. All licenses shall be void after the first day of July next succeeding issuance. Provided, however, that owners of farm lands, their children and tenants, shall have the right, without procuring a license, to hunt and kill wild animals, birds or game upon the lands owned or occupied by them. Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) for each offense, and shall stand committed to the county jail until such costs and fines are paid, but such imprisonment shall not exceed thirty days for each offense. Any person who shall alter or change a license in any material manner shall be deemed guilty of forgery, and upon conviction thereof shall be subject to the penalties provided for the commission of forgery. Any person who uses or attempts to use the license of another, or altered license, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense, and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for each offense. (Ibid Sec. 9.)

**License may
be revoked**

Sec. 52. A license in the possession of any person other than to whom first issued, and

on complaint, the license of any person hunting on enclosed or cultivated lands, without permission of the owner or tenant, may be revoked by the county auditor. (Ibid Sec. 10.)

Sec. 53. Possession of a gun in the fields or forests or on the waters of the State, or upon the ice of the same; and a failure to display a license when it is demanded by any person, shall be, except in the case of the owner or tenant, prima facie evidence of a violation of the provisions of this act. (Ibid Sec. 11.)

License must
be exhibited

Sec. 55. All acts and parts of acts inconsistent with this act are hereby repealed. (Ibid Sec. 13.)

Sec. 56. **Using birds for target.** Any person who keeps or uses a live pigeon, fowl or other bird for the purpose of a target or to be shot at either for amusement or as a test of skill in marksmanship, or shoots at a bird kept or used as aforesaid, or is a party to such shooting, or leases any building, room, field, or premises, or knowingly permits the use thereof, for the purpose of such shooting, shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars or imprisoned in the county jail not exceeding thirty days. Nothing in this act shall apply to the shooting of wild game. Section 2563 l. (30 G. A., ch. 96, Sec. 1.)

Unlawful to
use any live
bird for the
purpose of a
target

Sec. 57. **Pheasants protected.** No person shall trap, shoot, kill or take in any manner, any Mongolian, Ring Neck, English or Chinese pheasants, Hungarian partridge or other imported game birds in this State prior

Imported
birds and
pheasants
protected

Iowa Fish and Game Laws

to the first day of October, A D. 1917. Section 2563-u, 36 G. A.

Sec. 58. Any person violating the provisions of this act shall, upon conviction thereof, be fined not to exceed one hundred dollars or imprisonment in the county jail not to exceed thirty days. Section 2563 U 2. (32 G. A., ch. 134, Secs. 1, 2.)

Sec 59. The ownership and title of all wild game, animals and birds, found in the State of Iowa, except deer in parks and public and private preserves, the ownership of which has been acquired prior to taking effect of this act, and all fish in any of the public waters of the State, including all ponds, sloughs, bayous or other waters adjacent to any public water, which ponds, sloughs, bayous and other waters are stocked with fish by overflow of public waters, is hereby declared to be in the State, and no wild game, animals, birds or fish shall be taken, killed, or caught in any manner at any time, or had in possession, except the person so catching, taking, killing, or having in possession, shall consent that the title to said wild game, animals, birds, or fish, shall be and remain in the State of Iowa for the purpose of regulating and controlling the use and disposition of the same after such catching, taking, or killing. (34 G. A., ch. 118, Sec. 1.) 36 G. A., 2562 b.

Exceptions
prior
to April 15,
1911

Title of all
wild game,
animals, or
fish, in the
State of Iowa

Any person desiring to engage in the business of raising and selling pheasants, wild duck, wood duck, quail and other game birds, or any of them, in a wholly enclosed preserve or enclosure, of which he is the owner or lessee, may make application in writing to the State fish and game warden for a

license so to do. That State fish and game warden, when it shall appear that such application is made in good faith, shall upon the payment of an annual fee of two dollars, issue to such applicant a breeder's license permitting such applicant to breed and raise the above described game birds, or other game birds, or any of them, on such preserve or enclosure; and to sell the same alive at any time for breeding or stocking purposes; and to kill and use same; or sell same for food. Such license must be renewed annually upon the payment of the fee as hereinbefore set forth, and the possession of such license shall exempt the license holder from the penalties of this chapter for killing, having in possession, or selling the game birds, or any of them set forth in this section; provided that said birds have been bred and raised upon the said preserve, or within said enclosure, by the license holder, or secured by him by purchase from without the State of Iowa. (36 G. A., Sec. 2562-b.)

Sec. 60. The catching, taking, killing, or having in possession, wild game, animals, birds, or fish at any time, or in any manner, or by any person, except as provided in section 1 hereof, shall be deemed a consent of said person that the title of the State shall be and remain in the State for said purpose of regulating the use and disposition of the same and said possession shall be consent to such title in the State. (34 G. A., ch. 118, Sec. 2.)

Sec. 61. When it shall become necessary in the opinion of the State game warden or his deputies, to kill or capture any deer now running at large within this State, it shall

Warden may
kill or
capture
deer and
distribute
same

Iowa Fish and Game Laws

be done under the authority and direction of the State fish and game warden, who shall distribute such deer so killed or captured within this State, and the expense of said killing or capture and distribution shall be paid by the person receiving such deer. (35 G. A., ch. 206, Sec. 1.)

THE LACEY BIRD LAW

An act to enlarge the powers of the department of agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the department of agriculture are hereby enlarged so as to include the preservation, distribution, introduction and restoration of game birds and other wild birds. The secretary of agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto, where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The secretary of agriculture shall from time to time collect and publish useful information as to the propagation, uses and preservation of such birds.

And the secretary of agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as congress may appropriate therefor.

Sec. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under the special permit from the United States department of agriculture; provided that nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such

as domesticated canaries, parrots, or such other species as the secretary of agriculture may designate.

Sec. 3. Sections 241, 242, 243, and 244 of the Criminal Code of the United States (35 Stat., 1088), in effect January 1, 1910, are as follows:

Sec. 241. The importation into the United States or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: Provided, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other bird as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

Sec. 242. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States, to any other State, Territory, or District thereof, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: Provided, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully

captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed: Provided further, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barn-yard fowls.

Sec. 243. All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper, and the nature of the contents, may be readily ascertained on an inspection of the outside of such package.

Sec. 244. For each evasion or violation of any provision of the three sections last preceding, the shipper shall be fined not more than two hundred dollars; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than two hundred dollars; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than two hundred dollars.

Sec. 4. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale or storage therein, shall upon arrival in such State or Territory, be subjected to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals and birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird

plumage manufactured from the feathers of barn-yard fowl.

Approved May 25. 1900.

Gaylord Bros.
Makers
Syracuse, N. Y.
PAT. JAN. 21, 1908

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